

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL JACOB BERBERICK,

Defendant.

CR 20–119–BLG–DLC

AMENDED ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on March 26, 2021. (Doc. 27.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Mr. Berberick’s plea of guilty after he appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and entered a guilty plea to one count of being a prohibited

person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (Count III), as set forth in the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 27), and I adopt them in full.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 27) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Berberick's motion to change plea (Doc. 18) is GRANTED and Mr. Berberick is adjudged guilty as charged in Count III of the Indictment.

DATED this 13th day of April, 2021.



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Dana L. Christensen, District Judge  
United States District Court